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jc525 U.S. PTO
04/19/99Practitioner's Docket No. 3175.01A

PATENT

jc518 U.S. PTO
09/295230
04/19/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s):

Christopher Ewing

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): BLIND GIFT METHOD AND SYSTEM

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is **mandatory**.)

(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 19, 1999, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL380820739US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Joseph E. Gerber, Esq.

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Application Transmittal [4-1]—page 1 of 11)

EL380820739US

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☒ Original (nonprovisional)
☐ Design
☐ Plant

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

WARNING: Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED** and a **NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION**.

- ☐ Divisional.
☐ Continuation.
☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. Each prior application must also be:

(i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

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WARNING: When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application **must** be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

13 Pages of specification

5 Pages of claims

5 Sheets of drawing

WARNING: **DO NOT** submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 CFR 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page . . ." 37 C.F.R. 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).
- ☐ formal
- ☐ informal

B. Other Papers Enclosed

7 Pages of declaration and power of attorney

1 Pages of abstract

Other

4. Additional papers enclosed

- ☐ Amendment to claims
- ☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations

- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

NOTE: A newly executed declaration is not required in a continuation or divisional application provided that the prior nonprovisional application contained a declaration as required, the application being filed is by all or fewer than all the inventors named in the prior application, there is no new matter in the application being filed, and a copy of the executed declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is submitted. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not inventors of the application being filed. If the declaration in the prior application was filed under § 1.47, then a copy of that declaration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)–(3).

NOTE: A declaration filed to complete an application must be executed, identify the specification to which it is directed, identify each inventor by full name including family name and at least one given name, without abbreviation together with any other given name or initial, and the residence, post office address and country or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)–(4).

☒ Enclosed

Executed by

(check all applicable boxes)

☒ inventor(s).

☐ legal representative of inventor(s).
37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

NOTE: Where the filing is a completion in the U.S. of an International Application or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 CFR 1.41(d))

(Application Transmittal [4-1]—page 4 of 11)

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. An English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).

- ☒ English
- ☐ Non-English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. Assignment

- ☐ An assignment of the invention to _____
- ☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

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9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.
- ☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

10. Fee Calculation (37 C.F.R. 1.16)

- A. ☐ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$790.00
Total			
Claims (37 CFR 1.16(c)) 29 – 20 =	9	×	\$ 22.00
Independent			
Claims (37 CFR 1.16(b)) 2 – 3 =	0	×	\$ 82.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		+	\$270.00

- ☐ Amendment cancelling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation \$ 988.00

- B. ☐ Design application
(\$330.00—37 CFR 1.16(f))

Filing Fee Calculation \$

- C. ☐ Plant application
(\$540.00—37 CFR 1.16(g))

Filing fee calculation \$

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11. Small Entity Statement(s)

- ☒ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

WARNING: "Status as a small entity must be specifically established in each application or patent in which the status is available and desired. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the small entity basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 1.28(a)(2).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application _____ / _____, filed on _____, from which benefit is being claimed for this application under:

35 U.S.C. ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of **A**, **B** or **C** above)

\$ 494.00

NOTE: Any excess of the full fee paid will be refunded if small entity status is established and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 CFR 1.28(a).

12. Request for International-Type Search (37 C.F.R. 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

(Application Transmittal [4-1]—page 7 of 11)

13. Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee

\$ 494.00

☐ Recording assignment

(\$40.00; 37 C.F.R. 1.21(h))

(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION".)

\$ _____

☐ Petition fee for filing by other than all the
inventors or person on behalf of the inventor
where inventor refused to sign or cannot be
reached

(\$130.00; 37 C.F.R. 1.47 and 1.17(l))

\$ _____

☐ For processing an application with a
specification in

a non-English language

(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k))

\$ _____

☐ Processing and retention fee

(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l))

\$ _____

☐ Fee for international-type search report

(\$40.00; 37 C.F.R. 1.21(e))

\$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 CFR 1.53(f) and this, as well as the changes to 37 CFR 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from notification under § 53(f).

Total fees enclosed

\$ _____

14. Method of Payment of Fees

☒ Check in the amount of \$ 494.00

☐ Charge Account No. _____ in the amount of
\$ _____

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

(Application Transmittal [4-1]—page 8 of 11)

15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____:

- ☐ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
☐ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☐ 37 C.F.R. §§ 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).
☐ 37 C.F.R. 1.17 (application processing fees)

NOTE: “. . . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.” 37 C.F.R. § 1.136(a)(3).

- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires “Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . .” From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as “other than a small entity” and (b) no notification is required if the change is to another small entity.

(Application Transmittal [4-1]—page 9 of 11)

16. Instructions as to Overpayment

NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ Credit Account No. _____
- ☒ Refund

Reg. No. 32,354

Tel. No. (916) 498-1010

Customer No. 20940


SIGNATURE OF PRACTITIONER

Joseph E. Gerber

(type or print name of attorney)

400 Capitol Mall, Suite 1550

P.O. Address

Sacramento, California 95814

(Application Transmittal [4-1]—page 10 of 11)

☐ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

- ☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

- ☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

- ☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

- ☒ This transmittal ends with this page.

Practitioner's Docket No. 3175.01A**PATENT**

☒ Applicant
 ☐ Patentee Christopher Ewing
☐ Application No.
 ☐ Patent No. _____
☐ Filed on
 ☐ Issued on _____
 Title: BLIND GIFT METHOD AND SYSTEM

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))—INDEPENDENT INVENTOR**

As a below named inventor, I hereby state that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
☐ Each such person, concern or organization is listed below. *

**NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)*

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL
 ☐ SMALL BUSINESS CONCERN
 ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL
 ☐ SMALL BUSINESS CONCERN
 ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL
 ☐ SMALL BUSINESS CONCERN
 ☐ NONPROFIT ORGANIZATION

(Small Entity—Independent Inventor [7-1]—page 1 of 2)

EXP. MAIL EL380820739US

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

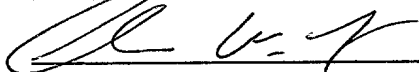
NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Christopher Ewing

Name of inventor



Signature of Inventor

Date April 19, 1999

Name of inventor

Signature of Inventor

Date

Name of inventor

Signature of Inventor

Date

(Small Entity—Independent Inventor [7-1]—page 2 of 2)

Patent Application
of
Christopher Ewing
for
BLIND GIFT METHOD AND SYSTEM

BACKGROUND OF THE INVENTION

1. Field Of The Invention

The present invention relates generally to methods and systems for carrying out sales transactions, and more specifically to methods and systems for taking and filling orders for gifts.

5 2. Description Of The Related Art

When a person desires to send another a gift such as candy or flowers, there are established industries and networks in place for carrying out the request. Examples include FTD Florists, and the well-known "Candygram." Normally, all gift vendors require is the name and address of the intended recipient, and the sender's payment for the gift. However, sometimes the name of the intended recipient is not known to the sender. Or, the full name or true name might not be known. This could be the case, for example, if a person enters a place of business, and meets and is smitten by another who works there. Or, in a social setting, an introduction might include only a first name, or only a surname. In those cases, gift delivery could still be effected by directing the gift to the location where the intended recipient may be found; e.g. at the business where the meeting took place, or at a location mentioned by the intended recipient, where he or she is regularly present.

10
15

Despite the convenience to the gift-giver in being able to have a gift successfully delivered without having full name and personal address information, the intended recipient might not desire such attention from someone who is likely a mere acquaintance, at best. This is one potential draw-back to conventional gift services.

5 Those interacting with members of the public in the workplace, or casually meeting strangers in social situations, are subject to being sent unwelcome gifts.

Sometimes, the full name of an intended recipient is known, but no address or delivery-location information is available. Such situations arise fairly frequently out of social functions. Conventional gift-delivery services cannot normally make a delivery
10 in that case, i.e. based on a name, alone. So, absent some further research or word-of-mouth inquiry by the gift-giver, gift delivery will be impossible through conventional services. In contrast to the intended recipient who might shun a gift, others might be disappointed if they knew that a new acquaintance had such generous intentions, without any way to carry them out. So, conventional gift services have this drawback, as well.

15 People who interact with others over the Internet and the World Wide Web normally use a pseudonym as a "screen name" or "handle" which essentially allows them to remain unidentified while they "chat" on-line, send instant messages, or send e-mail. And, participants in such interactions are now even able to exchange photographs, voice messages and video clips, as well as engage in real-time audio and videophone
20 conversations. All of this can be accomplished while maintaining a pseudonym as one's primary identity, and while essentially preserving anonymity. Despite this screen of pseudonymity (or, perhaps, because of it) friendships and amorous relationships often develop. However, in such on-line friendships and relationships, there is presently no way to send a gift to another person unless the prospective recipient is willing to reveal
25 his or her true name and address. This need is neither addressed by conventional gift-delivery services, nor by current means of electronic commerce.

Thus, it appears that there is a heretofore unarticulated need for some medium through which people may get to know each other without initially revealing personal information, such as their true name and address information, wherein one person is able
30 to send a physical gift to another. And, it would also be advantageous if the intended gift recipient were able to control the conditions under which gifts might be offered.

SUMMARY OF THE INVENTION

The blind gift method and system of the present invention are adapted to overcome the above-noted shortcomings and to fulfill the stated needs. The method comprises the steps of receiving a request from a first party to take an order for a gift to be sent to a second party known only by a pseudonym; obtaining from the first party the identification of the intended gift to be sent, and a pseudonym of the second party; and, looking up a non-pseudonymous name and address associated with the second party's pseudonym in a database. Further steps and features compatible with the inventive method effect the actual delivery of the gift, and provide flexibility and security to the method's users.

The system of the invention comprises means for a first party to identify one's self, a gift, and a pseudonymous second party; and, means for storing that information. Then, in combination therewith, the system comprises means for determining the second party's true name and mailing address from the pseudonym; and, means for sending the gift to the second party in his or her true name and mailing address.

While conventional gift-delivery systems may be functional even when the intended recipient is anonymous or pseudonymous, and while they may be non-functional if the sender lacks certain, key address-delivery information, the method of the present invention, and especially the Internet-based method, avoids the drawbacks that can result from those two situations. And, it yields many heretofore unavailable benefits, as well.

It is an object of the present invention to provide a method for sending a gift to a person who is known only by a pseudonym.

Yet another object of this invention is to provide a method for a person sending a gift to choose whether to remain anonymous; to identify himself or herself with a pseudonym; or, to identify himself or herself with partial or complete true-identity information.

It is a further object of the present invention to provide a method for a pseudonymously-known person offered a gift to choose conditions under which the gift will be accepted.

Yet a further object of the present invention is to provide a method for anonymous or pseudonymous gift-giving which is able to be practiced between members

of a network wherein true name and address information of all members is kept in a database along with members' pseudonyms.

Still a further object of the present invention is to provide a method for anonymous or pseudonymous gift-exchange between a member of a network and an anonymous or pseudonymous party outside the network, wherein the network-members
5 are all fully-identified in a database, and wherein parties outside the network are not identifiable by the network.

Another object of the present invention is to provide a method for anonymous or pseudonymous gift-giving between parties in a network, or between networks, where no
10 database of the true name and address information is kept or available.

Still further objects of the inventive on-line blind gift method disclosed herein will be apparent from the drawings and following detailed description thereof.

BRIEF DESCRIPTION OF THE DRAWINGS

15 FIG. 1 is a general schematic block diagram illustrating an embodiment of the inventive system carried out entirely within a member-network.

FIG. 2 is a general schematic block diagram illustrating an embodiment of the inventive system similar to that of FIG. 1, wherein outside vendors are employed.

20 FIG. 3 is a general schematic block diagram illustrating an embodiment of the inventive system carried out through a central Web site.

FIG. 4 is a general schematic block diagram illustrating an embodiment of the inventive system similar to that of FIG. 3, wherein the Gifto contacts vendors directly through vendors' Web sites.

25 FIG. 5 is a flow chart generally showing the steps of carrying out the inventive method as it might be practiced within the embodiment of the system illustrated in FIG. 2.

DESCRIPTION OF THE PREFERRED EMBODIMENT

30 Referring now specifically to the drawings, FIG. 1 shows a flow chart of the inventive method as it might be carried out over a modem within an on-line membership computer network 10 such as America Online ("AOL"), wherein all members identify

themselves by one or more pseudonyms, and wherein the member-network management keeps a database of true, full name and mailing address information associated with each pseudonym of each member.

5 Direct communication between members within the network takes place through a communication module 12, such communication therethrough being identified with reference numeral 14.

10 In preparation for carrying out the method, the member-network management provides new members, upon sign-up, with a series of choices relating to a "blind gift" program. First, the new member is asked to check boxes or otherwise make choices to indicate, without limitation: whether gifts will ever be accepted from any anonymous or pseudonymous party; whether gifts will be accepted only from anonymous or pseudonymous parties who are members of the member-network; whether gifts will be accepted only from parties who identify themselves with true name and address information; whether gifts will be accepted from certain parties (listed by pseudonym or true name); whether gifts will be accepted only if they fall within certain categories (e.g. only candy and flowers, but no lingerie); whether gifts costing more than a particular amount will be accepted; whether gifts should be delivered to the member's billing address, or to another address; and/or, whether certain categories of gifts will only be accepted from parties who identify themselves with true name and address information.

20 Another level of inquiry might seek directions from the member as to how gift attempts from other members that do not meet one or more of the chosen criteria should be handled. Choices might be sought for at least the three following possible categories including, without limitation: (1) whether to send a response to the member who attempted to send the gift; (2) whether to permit the member who attempted to send the gift to change the gift, or to change the member-identity information, and to try again; and/or, (3) whether to place the member who attempted the gift on a list of persons prohibited from sending further gifts to the member.

30 Yet further, another series of initial set-up inquiries might seek choices from the member regarding how to deal with gifts the member sends which get rejected by an intended gift recipient. Examples include: in the instance where the gift is rejected based on the intended recipient's pre-set profile, whether to let the intended recipient know that

a gift attempt was made; and, in the same instance, whether to let the intended recipient know certain identity information about the gift-sending member.

Yet another level of inquiry might seek directions on how to respond in the case of successfully-completed blind gift delivery transactions. Options might include thank-you responses; return gifts; transmission of the member's true, full name and address
5 information; or, the like.

As further explained below, in alternative embodiments of the method, many of the foregoing parameters able to be set up in a member's initial profile may alternatively be subjects of choice later on in a blind gift transaction. Thus, to provide for that, a new
10 member may simply make a choice to be notified each time a blind gift attempt is made, and to be notified each time a gift sent by the member is rejected; and, to be presented at that time with all of the choices for acceptance and/or response at that time.

Initial profile information might also be sought from the new member regarding certain aspects of gift-giving. For example, choices could be provided for different
15 methods of payment, including payment by credit card on a per-transaction basis; monthly billing though the account set up for monthly membership dues; a separate account linked to a credit card just for gift-giving purposes; or, the like. A great amount of flexibility exists in this part of the method, and more options become available nearly every month as electronic commerce becomes better developed, and more and more
20 commonplace. Now, programs referred to as "electronic wallets" which function as a debit account and include all of the information necessary for the "wallet" owner to carry out a purchase or other transaction, are known. Such devices would certainly be functional and useful in the context of the inventive method.

Other initial gift-sending profile information might include limitations on purchase
25 amounts, or category limitations such as: no alcohol or tobacco; or, candy and flowers, only. This way, parental control may be exercised, and members who remain worried that an unauthorized user may access the account may limit the amount spent and the types of goods purchased as gifts.

The responses to these initial blind gift profile inquiries may become part of the
30 new member's overall member profile. The new member, having the ability to set up several pseudonyms (commonly referred to as "screen names" or "handles") may have

a choice of whether to have his or her blind gift profile apply to one, several, or all pseudonyms. And, as with other aspects of members' profiles within member-networks, existing members may change their profiles, at will.

5 The member-network will provide access to an internal, on-line blind gift software program accessible by anyone who wants to send a gift to another member. This will include an initial greeting screen, followed by requests for information about the sender; the intended gift; the intended recipient; and, the manner in which the gift-giving member wants the gift presented to the intended recipient.

10 For example, if a member encounters another member through on-line text, audio or video chat; instant messaging; or, e-mail, and the member desires to send the other member a gift, the prospective gift-giving member may simply make an on-screen choice to use the blind gift function. This constitutes a request to send a blind gift. The request may be made by clicking on a link, for example.

15 Upon accessing the blind gift software module 16 within the member network, the gift-giving member (the "Gifto") will either be automatically recognized by his or her pseudonym, or asked to enter a pseudonym. This causes the blind gift program to access the Gifto's gift-giving profile, if any, regarding method of payment, or any price, product-type or subject matter limitations.

20 (Communication between the Gifto and the blind gift module 16 is identified with reference numeral 17.)

25 Then, the Gifto is given the opportunity to select the gift he or she desires to send. Choice of the gift may be made from a limited list selected and managed by the member-network management. Or, it may comprise an elaborate shopping program wherein a great number of vendors describe and graphically display a wide variety of gifts able to be sent to member-recipients in accordance with the method herein. The desired gift or gifts may be identified and chosen by checking a check box, clicking an on-screen button, or the like. These functions are now becoming well-known and commonly used in on-line shopping. The user browses the wares, and as he or she makes product choices, they are sequestered in a "shopping cart" for inclusion in a single, final purchase transaction at the end of the browsing/shopping session.

30 Once the blind gift program obtains a gift choice or choices from the Gifto, the

intended recipient member (the "Giftee") will need to be identified. As this embodiment of the method is being carried out within a membership network which keeps full, true name and address information associated with all members' pseudonyms in a database, all that is necessary is entry of the Giftee's pseudonym. Entry of the Giftee's pseudonym initiates a search function in the network database-access software, whereby the pseudonym is located; the full, true name and mailing address information associated therewith is identified; and, then that name and address information is copied into name and address information fields in the delivery routine of the blind gift program software.

The gift choice and Giftee's pseudonym are all that is needed from the Gifto to process and deliver the gift order. However, the program may offer additional options to the Gifto at this point. For example, the Gifto may be able to choose whether or not the Giftee will be permitted to check on the price, subject matter and/or exact nature of the gift before accepting it. Or, the Gifto may have the option of remaining anonymous. Of course, choosing any of these options may affect whether the Giftee accepts the gift, or it may trigger actions dictated by choices the Giftee made in setting up his or her member profile.

Thus, before performing the final step, i.e. issuing a shipping order, the program checks the Giftee's profile information to see whether pre-set parameters will control the screening, acceptance and response; or, whether the Giftee has directed that it be handled on an *ad hoc* basis each time a gift attempt is made. If the gift attempt is rejected, based either on the Giftee's pre-set profile criteria or on an *ad hoc* response, the Gifto will receive a notification of that occurrence via the blind gift program software. (Communication between the blind gift module 16 and the Giftee is identified with reference numeral 19.) Further explanation as to the reason(s) for rejection may be added, if the Giftee so desires. In the Giftee's profile, default responses for different bases of rejection may have been chosen (e.g., "too personal"; "too expensive"; "will not accept anonymous gifts"; etc.), or the Giftee may have drafted his or her own personalized messages; e.g., "that's naughty"; "I don't accept candy from strangers"; etc. Alternatively, of course, the response may be drafted *ad hoc* by the Giftee.

At the point of gift rejection, there is an option to charge the Gifto a service fee for attempted use of the blind gift program. This is obviously a matter which will affect

good will. But, there are certainly costs associated with administering the program, even upon a failed attempt, so a charge is not unreasonable. Indeed, even when a gift is rejected, the entire functionality of the program has been utilized, short of the single final step of issuing an order to a vendor. Thus, offset of that cost is warranted. A flat-rate fee covering the average per-use costs, might be reasonable; and, if desired, profit might be built in, as well. Of course, if the membership-network management chooses to operate this way, i.e. offsetting its costs out of the pockets of rebuffed Giftors, prospective Giftors should be made aware of this at an early stage in the program, to preserve good will. It could be said that, in this day and age, the warning "*caveat emptor*" may extend to knowing your intended pseudonymous gift recipient well enough to avoid a service charge for a failed gift attempt!

Other methods of generating revenue from the blind gift program which may be more palatable to the Giftor and management, alike, might include any number of types of advertising schemes. Advertisers of gift-type goods, and possibly services, as well, will likely pay for the opportunity to advertise their wares on the gift-selection screens of the blind gift program.

Further, the inventive program provides many opportunities to profit on a per-transaction basis, such as where a flat dollar amount or a percentage of the transaction amount is paid by the vendor for each transaction consummated.

If the gift is not rejected by the Giftee, either by his or her pre-established gift-receiving profile or by an *ad hoc* response, then an instruction is issued by the blind gift program software to initiate shipping the selected gift. This shipping instruction may be sent to a companion software module and cooperating shipping department 18 operating within the member network as shown in FIG. 1, or it may be sent to an outside vendor 20, as shown in FIG. 2. In either case, the shipping instruction would necessarily include the gift selection(s) and the full, true name and mailing address of the Giftee.

At this point, the portion of the transaction dealing with the charge for the merchandise might also be carried out. Of course, as in any purchase transaction, this charge will vary, relative to the value of the gift chosen. A great variety of existing software programs is available to carry out this step, which might comprise charging the Giftor's credit card or debit account; or, adding the charge to an open account. If the

shipping instruction is sent to an outside vendor, the merchandise charge to the Giftoir may be carried out within the network, with a confirmation to the vendor along with the shipping instruction; or, alternatively, the vendor may charge the Giftoir directly.

5 The physical step of shipping the chosen gift merchandise may be carried out by a department 18 within, or associated with, the member-network 10. This type of system is illustrated in FIG. 1. The step of shipping the merchandise is identified herein and in the drawing figures with reference numeral 22. In this first embodiment, the member-network is essentially the retailer. Alternatively, and likely more practical, is a system whereby shipping is carried out directly by the outside vendor 20 upon receipt of shipping instructions, and confirmation that the Giftoir's account has been charged. This first alternative type of system is illustrated in FIG. 2. And, the flow chart of FIG. 5 generally shows the steps of carrying out the inventive method as it might be practiced within this second embodiment of the system.

15 In yet a third alternative embodiment of the inventive method, shown in FIG. 3, members within a member-network may send or receive blind gifts from parties outside the member-network; and, parties outside any member network may exchange blind gifts, as well. In this embodiment, a business entity separate and apart from any membership network operates an independent blind gift Web site 24 on the World Wide Web which. This independent Web site would display the wares of many different gift vendors. It would be directly accessible through Giftors' and Giftees' Internet service providers ("ISP's") 26 and 28 wherein such ISP's may or may not be content-providing membership networks such as America Online.

20 In the drawing figures, direct, pseudonymous communication between Giftoir and Giftee occur through their ISP's 26 and 28 over the Internet. Such direct communications are identified herein and in the drawing figures with reference numeral 30. Communications between the Giftoir and the blind gift Web site 24, through Giftoir's ISP, are identified with reference numeral 32. And, communications between the blind gift Web site 24 and the Giftee, through Giftee's ISP, are identified with reference numeral 34. Communications between the blind gift Web site and the vendors are identified with reference numeral 36.

30 The independent Web site 24 would function in two primary ways. In one,

prospective Giftees in blind gift exchange transactions could pre-register at the Web site as being willing to receive blind gifts. Such pre-registration would simply constitute addition of the Giftee's full, true name and mailing address to the Web site's database, along with each e-mail address in care of which the Giftee would permit gifts to be sent. (In this embodiment, participants' entire e-mail addresses serve as the pseudonyms.) For any prospective Giftee so registered, a Gifto

Alternatively, in a second mode of use wherein the Giftee is not pre-registered, a Gifto

a Gifto

may simply access the blind gift Web site, choose a gift, and request that the chosen gift be sent to the person identified by a particular e-mail address. At this point, an e-mail message or an instant message would be generated by the Web site's software and sent to the Giftee, informing the Giftee that a blind gift attempt was being made, and asking that the Giftee confidentially reveal his or her full, true name and mailing address. The Giftee would need to be assured that the information would be kept confidential from the Gifto

The Giftee would need to be assured that the information would be kept confidential from the Gifto

and from all third parties. In the simplest version of this embodiment, the Giftee's only options might be to refuse to enter his or her name and address, or to comply. If the Giftee refused, the Gifto

If the Giftee refused, the Gifto

would be informed of that refusal. On the other hand, if the Giftee complied and entered the requisite information, the gift would be sent.

The practice of the inventive method through an independent Web site provides the same wide potential variety of different choices to the Gifto

the same wide potential variety of different choices to the Gifto

and Giftee regarding screening and communication as were set forth above in connection with the practice of the method within a membership network. However, in the Web site-based embodiment, more of the choices, screening and communication will likely be carried out on an *ad hoc* basis. And some will necessarily be. Thus, instead of the Gifto

more of the choices, screening and communication will likely be carried out on an *ad hoc* basis. And some will necessarily be. Thus, instead of the Gifto

setting up a mandatory initial profile, all of the choice which go into making up that profile may, alternatively, be made on a per-use basis. Likewise, the Giftee, unless previously registered with the Web site, may be given the opportunity to make all of the subject matter and communication choices on a use-by-use basis.

As in the first embodiment, many options exist regarding billing and delivery.

In one paradigm, the business entity hosting the Web site could stock inventory, bill the Giflor directly, and physically pack and ship the gift to the Giftee. In another paradigm wherein the Web site-hosting entity is only electronically involved, Giftors' orders are sent along to manufacturers, distributors or retailers who carry out the packing and shipping, and who might also attend to the detail of billing the Giflor.

Whether operating through a member-network, or through an independent Web site, it is envisioned that the greatest potential gift variety and thus the most robust embodiment of the program will be achieved by providing, at each "gift portal" -- i.e. on those pages of each vendor's Web site 38 where purchases can be made -- a blind gift button or link which takes the user directly to the blind gift program. Such an embodiment is illustrated in FIG. 4. Communications between the Giflor and a vendor's Web site 38, through the Giflor's ISP, are identified with reference numeral 40. And, the links between vendors' Web sites 38 and blind gift Web site 24 are identified with reference numeral 42. Clicking-on or choosing the blind gift button or link associated with an on-screen product would immediately launch software ready to collect from a prospective Giflor the pseudonym and/or e-mail address of the prospective Giftee. Functions carrying out the financial portion of the transaction would be launched during that process, as well.

It is also envisioned that in all embodiments of the inventive method and system the participants, i.e. the Giflor and Giftee, will have control over whether to maintain the confidentiality of, or to reveal, their true identity information.

It is yet further envisioned that a preferred embodiment of the method and system will also be fully functional when either one or both of the participating parties is in possession of and able to supply true name and mailing address information of the other party. Thus, for example, if the Giflor knows the full mailing address of the Giftee, the software carrying out the inventive method and system should be flexible enough to skip part or all of the database lookup function, and proceed directly to shipping.

The foregoing detailed disclosure of the inventive method and system is considered as only illustrative of the preferred embodiment of, and not a limitation upon the scope of, the invention. Those skilled in the art will envision many other possible variations of the method and structure disclosed herein that nevertheless fall within the

scope of the following claims. For example, although on-line and Internet-based modes of practicing the invention are set forth herein, the inventive concept is not limited to those modes or to computer-based systems. For example, it is envisioned that the inventive method may be practiced entirely without the aid of a computer. In any environment where people may communicate and get to know each other while using a pseudonym or other indicia as their identity, such as on telephone chat lines, or in pen-
5 pal networks, or the like, a blind gift registry could operate to catalogue pseudonyms and corresponding true, full name and mailing address information. Then, any time a Gifto
desired to send a blind gift to a Giftee known only by a pseudonym, that could be
10 accomplished through the blind gift registry in accordance with the method herein. And, shipping could be carried out by vendors associated with the blind gift registry. Many of the optional features suggested hereinabove may also be employed in such a non-computerized blind gift program. For example, upon the registry or the vendor receiving the gift request from the Gifto, the prospective Giftee could be contacted by telephone
15 and asked if the gift would be accepted. Responses back to the Gifto, if desired, could be provided-for much in the same manner as would be possible through a computer-based program.

And, alternative uses for this inventive method and system may later be realized. Accordingly, the scope of the invention should be determined with reference to the
20 appended claims, and not by the examples which have herein been given.

CLAIMS

I claim:

1. A method enabling a first party to send a gift to a second party, wherein the second party is identified only by a pseudonym; comprising the steps of:

- 5 a. receiving from a first party a request to take an order for a gift to a second party;
- b. obtaining from said first party an identification of a gift to be sent to said second party;
- c. obtaining from said first party a pseudonym of said second party;
- 10 and,
- d. securing a non-pseudonymous name and address associated with said second party's pseudonym.

2. The method of Claim 1, further including the step of issuing an order that said gift identified by said first party be sent to said second party's non-pseudonymous name and address.

15

3. The method of Claim 1, wherein said step of securing a non-pseudonymous name and address associated with said second party's pseudonym is carried out by looking up said second party's pseudonym in a database.

20

4. The method of Claim 1, wherein said step of securing a non-pseudonymous name and address associated with said second party's pseudonym is carried out by contacting said second party and requesting revelation of said second party's non-pseudonymous name and address.

25

5. The method of Claim 1, further including the steps of, prior to the step of receiving said request for said gift by said first party,:

- i. giving said second party an opportunity to choose whether said second party will accept, or will not accept, attempted gifts addressed only to said second party's pseudonym; and,
- 30

ii. storing said second party's choice, if made, in said database in association with said second party's pseudonym or name and address.

5 6. The method of Claim 5, further including the step of, upon obtaining said second party's pseudonym from said first party, checking said second party's stored choice.

10 7. The method of Claim 6, further including the step of, if said second party's choice was to accept gifts addressed only to said second party's pseudonym, issuing an order that said gift identified by said first party be sent to said second party's non-pseudonymous name and address.

15 8. The method of Claim 6, further including the step of, if said second party's choice was not to accept gifts addressed only to said second party's pseudonym, or if said second party made no choice, initiating means for preventing said gift identified by said first party from being sent to said second party's non-pseudonymous name and address.

20 9. The method of Claim 8, further including the step of informing said first party that said second party has not chosen to accept gifts addressed only to said second party's pseudonym.

25 10. The method of Claim 1, wherein said order that said gift be sent is issued to a third party.

11. The method of Claim 1, further including the step of giving said first party an opportunity to reveal true identity information about said first party's self.

30 12. The method of Claim 1, further including the step of giving said second party an opportunity to reveal true identity information about said second party's self.

13. The method of Claim 1, further including the step of charging a fee to said first party.

14. The method of Claim 13, wherein said fee is charged after the step of issuing
5 said order that said gift be sent.

15. The method of Claim 13, further including the step of confirming receipt of said order that said gift be sent, before charging said fee to said first party.

10 16. The method of Claim 1, further including the step of charging a first fee to said first party for carrying out all steps up to and including issuing said order that said gift be sent.

15 17. The method of Claim 16, further including the step of charging a second fee to said first party, wherein said second fee is related to the value of said gift.

18. The method of Claim 1, further including the step of charging a fee to said second party.

20 19. A system for enabling a first party to send a gift to a second party, comprising:

- a. means for a first party to identify one's self;
- b. means for said first party to identify a gift;
- c. means for said first party to identify said second party by a
25 pseudonym of said second party;
- d. means for storing said first party's identity, said gift identity, and said second party's pseudonym;
- e. means for determining said second party's true name and mailing address from said pseudonym; and,
- 30 f. means for sending said identified gift to said second party in said second party's true name at said second party's true mailing address.

20. The system of Claim 19, further including means for charging a fee to said first party.

21. The system of Claim 19, further including means for enabling said second
5 party to refuse a gift from said first party.

22. The system of Claim 19, further including means for enabling said second
party to refuse a gift from said first party if said first party is identified only by a
pseudonym.

10

23. The system of Claim 19, further including means for enabling said second
party to refuse a gift from said first party if said first party is anonymous.

24. The system of Claim 19, further including means for enabling said second
15 party to refuse a gift from said first party if said first party is identified by a particular
pseudonym or true name.

25. The system of Claim 19, further including means for enabling said second
party to refuse a gift from said first party if said gift is of a particular product-type.

20

26. The system of Claim 19, further including means for enabling said second
party to respond to said first party after delivery of a gift sent to said second party by
said first party.

25

27. The system of Claim 19, further including means for enabling said second
party to respond to said first party after refusal of an attempted gift to said second party
by said first party.

28. The system of Claim 19, further including means for enabling said first party
30 to reveal or maintain confidentiality of said first party's true identity information.

5

BLIND GIFT METHOD AND SYSTEM**ABSTRACT OF THE DISCLOSURE**

This is a method and system whereby parties who know each other only by pseudonyms, such as by Internet e-mail addresses, may send and receive gifts while maintaining anonymity behind their pseudonyms. Steps of the method include receiving a request from a first pseudonymous party to take an order for a gift to be sent to a second party; obtaining from the first party an identification of the intended gift, and the pseudonym of the second party; and, looking up a non-pseudonymous name and address associated with the second party's pseudonym in a database. Alternatively, the second party may be contacted and asked to confidentially reveal his or her name and mailing address for gift delivery purposes. While the second party's information is kept confidential from the first party, the second party has various choices including accepting the gift, accepting it upon certain conditions, or refusing it. The system of the invention includes components for permitting the first party to identify himself or herself; for the first party to identify a gift; for the first party to enter the second party's pseudonym; for storing the first party's identity, the gift identity, and the second party's pseudonym; for determining the second party's true name and mailing address from his or her pseudonym; and, for sending the gift to the second party's true name and mailing address.

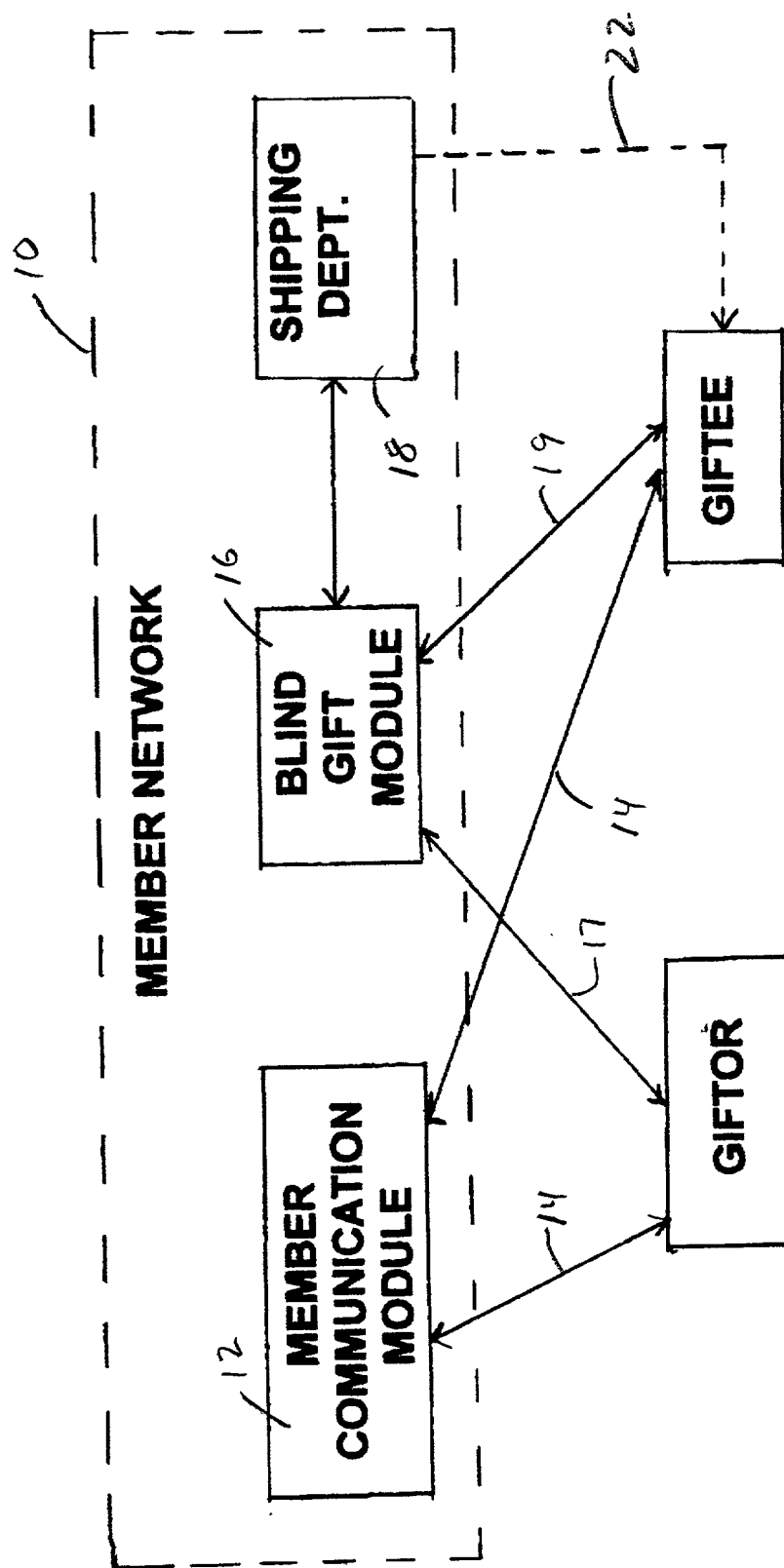


Fig. 1

FIG. 3 is a block diagram of a system for blind gift giving. The system includes a Vendor (20), a Blind Gift Website (24), a Giftor's ISP (26), a Giftee's ISP (28), a Giftor (32), and a Giftee (34). The Vendor (20) is connected to the Blind Gift Website (24) via a connection (36). The Blind Gift Website (24) is connected to the Giftor's ISP (26) via a connection (32) and to the Giftee's ISP (28) via a connection (34). The Giftor's ISP (26) is connected to the Giftor (32) via a connection (30). The Giftee's ISP (28) is connected to the Giftee (34) via a connection (30). The Giftor (32) and the Giftee (34) are connected to each other via a connection (30). The entire system is enclosed in a dashed box (22).

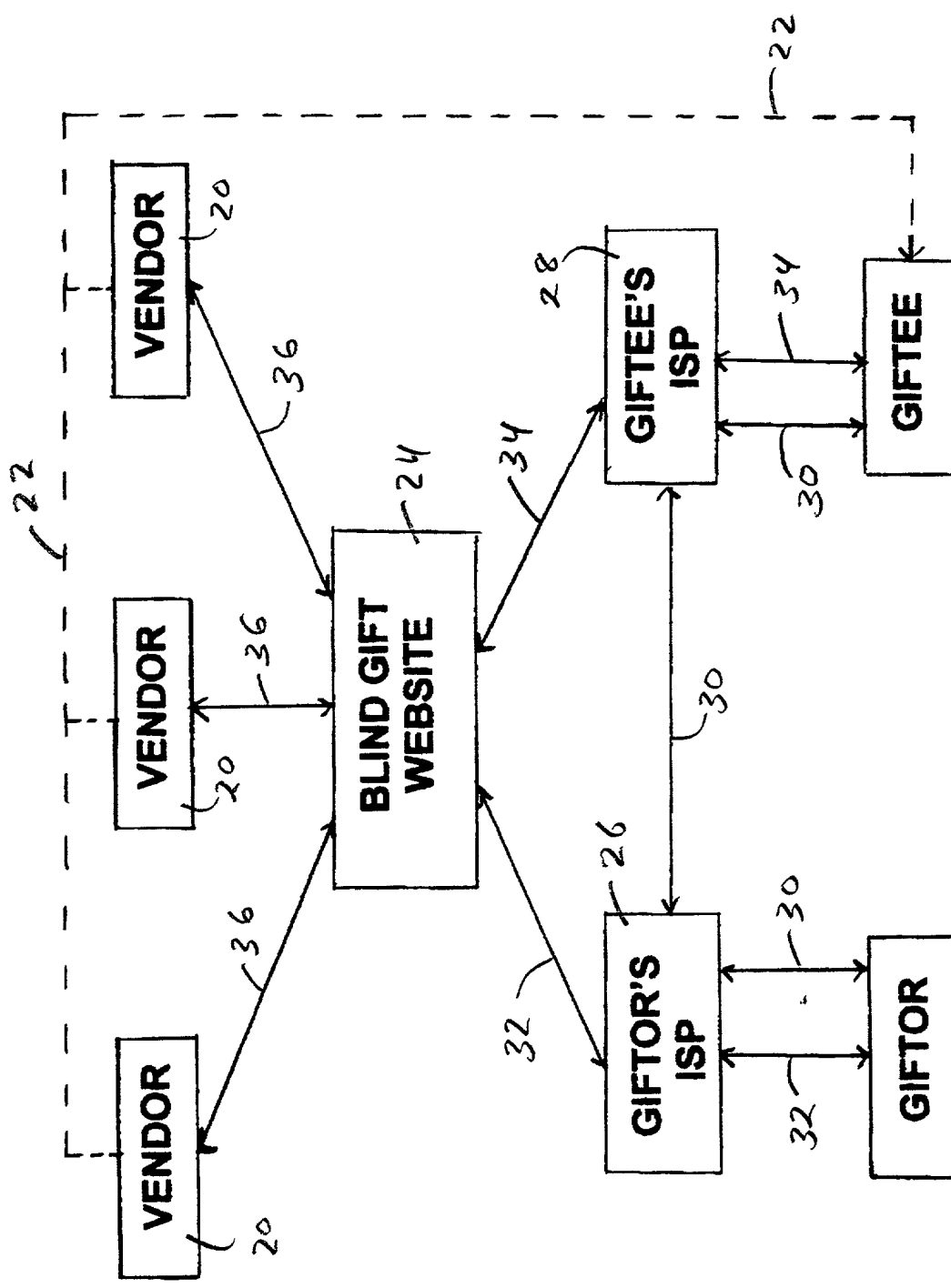


Fig.3

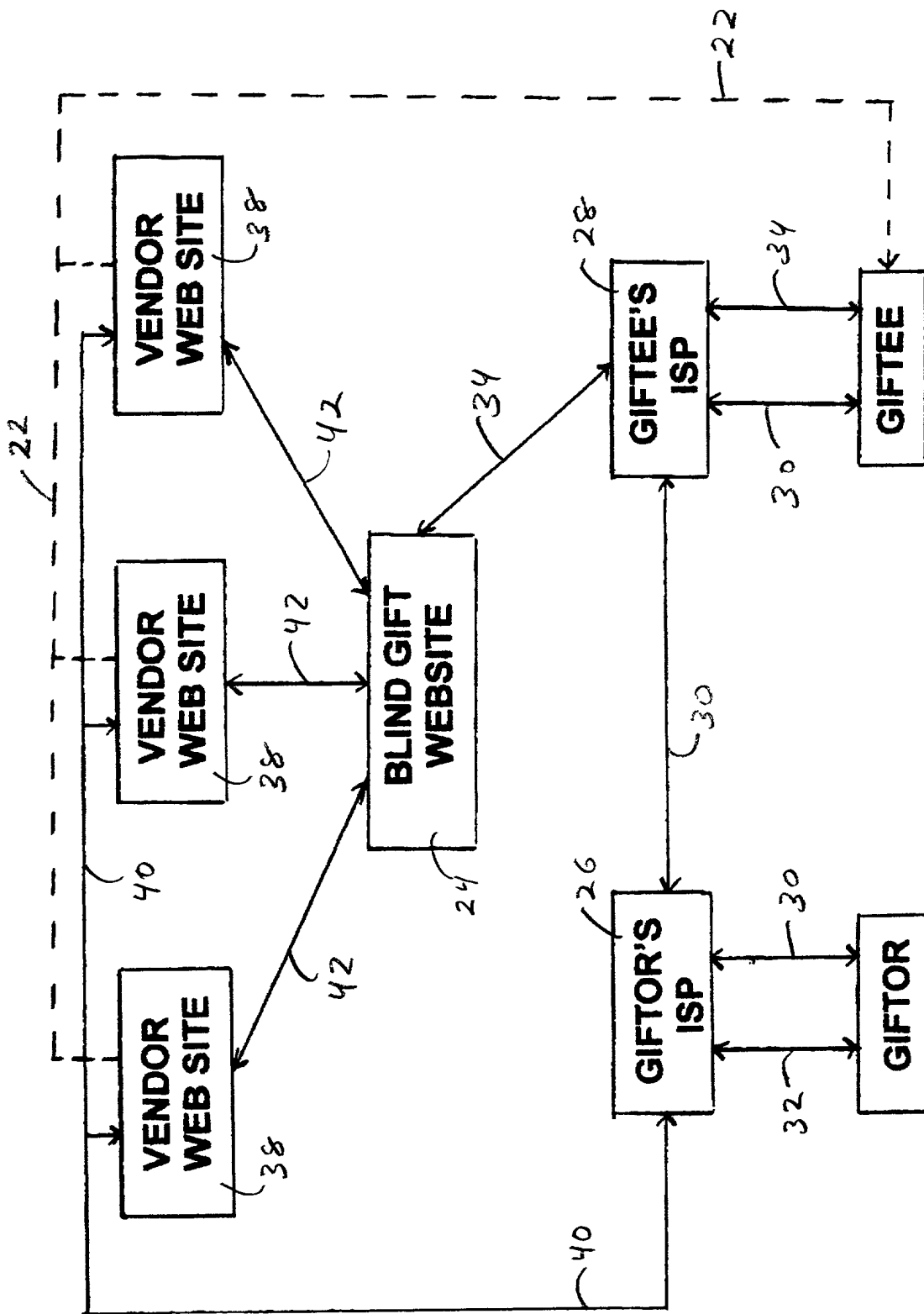


Fig.4

Question during GIFTEE'S initial member-network sign-up and member profile creation: "Accept Blind Gifts from other members?"

Potential answers are:

- (1) no, never;
- (2) yes, always; or,
- (3) ask me each time a Blind Gift is offered, whether I want to accept it.

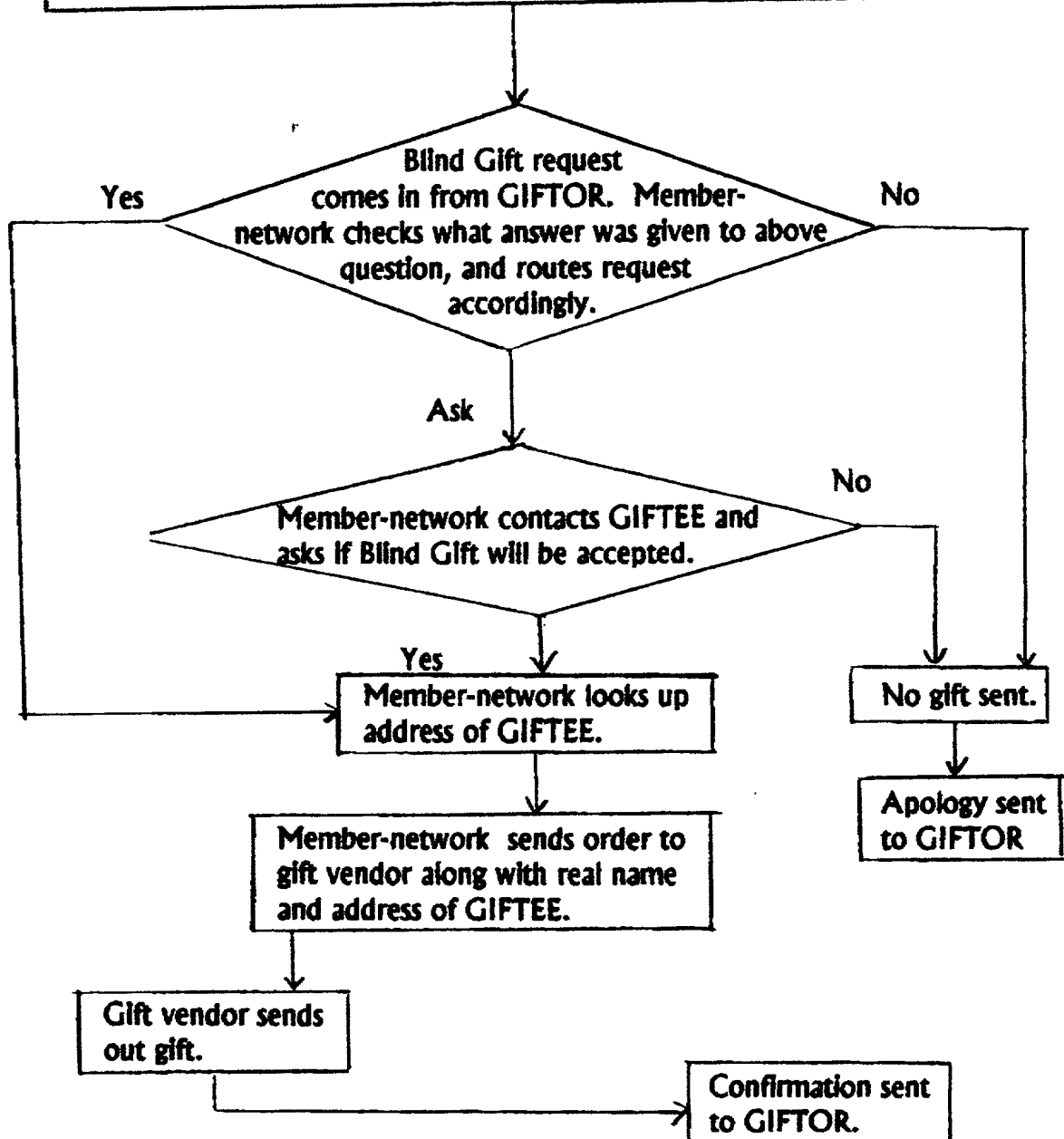


Fig. 5

Practitioner's Docket No. 3175.01A**PATENT****COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☒ original.
- ☐ design.
- ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- ☐ divisional.
- ☐ continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements — nonprovisional application).

- ☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTIONBLIND GIFT METHOD AND SYSTEM

(Declaration and Power of Attorney [1-1]—page 1 of 7)

EXP. MAIL EL380820739US

SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

(a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed;
or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

(b) ☐ was filed on _____, as ☐ Serial No. 0 / _____
or ☐ _____
and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.

(c) ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____ (if any).

(Declaration and Power of Attorney [1-1]—page 2 of 7)

SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))

(complete the following where a supplemental declaration is being submitted)

- ☐ I hereby declare that the subject matter of the
- ☐ attached amendment
- ☐ amendment filed on _____

was part of my/our invention and was invented before the filing date of the original application, above-identified, for such invention.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- ☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☒ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE. Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

____ / _____
____ / _____
____ / _____

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)
UNDER 35 U.S.C. 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

(Declaration and Power of Attorney [1-1]—page 4 of 7)

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOSEPH E. GERBER,	32,354
JAMES M. RITCHEY,	32,595
JOHN P. O'BANION	33,201

(check the following item, if applicable)

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

☒ Address

Joseph E. Gerber
(916) 498-1010

Joseph E. Gerber, Esq.
Gerber, Ritchey & O'Banion, LLP
400 Capitol Mall, Suite 1550, Sacramento, California 95814

☒ Customer Number 20940

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).

NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997,

Full name of sole or first inventor

Christopher _____ Ewing _____
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature Ch W E

Date April 19, 1999 Country of Citizenship USA

Residence Sacramento, California

Post Office Address 4443 Auburn Boulevard, Suite 1
Sacramento, California 95841

Full name of second joint inventor, if any

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

Full name of third joint inventor, if any

(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

(Declaration and Power of Attorney [1-1]—page 6 of 7)

(check proper box(es) for any of the following added page(s)
that form a part of this declaration)

- ☐ **Signature** for fourth and subsequent joint inventors. Number of pages added _____

* * *

- ☐ **Signature** by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____

* * *

- ☐ **Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____

* * *

- ☐ Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

* * *

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added _____

* * *

- ☐ Authorization of practitioner(s) to accept and follow instructions from representative.

* * *

(if no further pages form a part of this Declaration,
then end this Declaration with this page and check the following item)

- ☒ This declaration ends with this page.